

1 that used a term, possession. He answered my question. My
2 question may have mischaracterized the statute. I don't
3 think it did, but it might have. But the fault lies with
4 the question that was asked and not what the Witness has
5 answered.

6 JUDGE LUTON: Well, I wonder if that's the whole
7 story because Mr. Schoenbohm indicates in the testimony that
8 he's given today that he had talked to counsel about his
9 desire to indicate clearly that no physical device was used
10 by him. And he wanted you to ask this question about
11 possession I believe in order to make that clear or
12 something like that.

13 MR. COLBY: Yes, that's why I --

14 JUDGE LUTON: Isn't that what you said?

15 MR. COLBY: That's why I asked the question --

16 JUDGE LUTON: Yes.

17 MR. COLBY: -- because he asked me to ask it.

18 JUDGE LUTON: Well, then what is your objection
19 now because --

20 MR. COLBY: My objection is to the asking the
21 Witness to characterize the statute when the Witness is not
22 a lawyer and when the -- when the question which is the
23 basis of this answer he gave was a -- was a question that
24 was asked by me and not something he volunteered.

25 JUDGE LUTON: Yes, but Mr. Schoenbohm asked you to

1 ask that question because in his view it was going to -- it
2 might do him some good --

3 MR. COLBY: That's right.

4 JUDGE LUTON: -- under the statute presumably.

5 MR. COLBY: That's correct. I agree.

6 JUDGE LUTON: An interpretation of the statute.

7 MR. COLBY: I agree.

8 JUDGE LUTON: So that objection is overruled.

9 MR. COLBY: All right.

10 BY MR. REIDELER:

11 Q Mr. Schoenbohm, I'll show you proposed findings of
12 fact and conclusions of law of Herbert Schoenbohm which was
13 also presented previously. If you would turn to the summary
14 which follows the document's table of contents -- have you
15 found that, Mr. Schoenbohm?

16 A Yes.

17 Q Again, I quote -- it states, "Mr. Schoenbohm was
18 convicted of a felony, i.e. possession of certain telephone
19 numbers which could be used to make a long distance" --
20 "make long distance calls" --

21 MR. COLBY: Objection.

22 MR. REIDELER: -- "without paying for them."

23 MR. COLBY: Objection. No proper predicate for
24 the question. It has not been established that Mr.
25 Schoenbohm even read these proposed findings which were

1 written by counsel and not by him.

2 JUDGE LUTON: Okay.

3 MR. REIDELER: Mr. Schoenbohm -- Your Honor,
4 should I address this or --

5 JUDGE LUTON: Well, back up and do it right as Mr.
6 Colby --

7 BY MR. REIDELER:

8 Q Mr. Schoenbohm, are you familiar with this
9 document presented you?

10 A I don't know. I haven't -- I would like to read
11 it first. It will be just a second.

12 Q Please take your time.

13 A Are you referring to Paragraph 1?

14 Q I'm referring to the entire document. That was
15 filed September 13th, 1995.

16 A Yes.

17 Q Before that document was filed with the Court, did
18 you have an opportunity to read it?

19 A I -- I don't recall.

20 Q Did you consult with Mr. Colby after -- after we
21 had the hearing -- before the -- after the -- after the
22 testimony was given and before --

23 A We had some communication, yes.

24 Q And this was before September 13th, 1995?

25 A I -- I don't know the exact date.

1 MR. COLBY: What is the significance of September
2 13th --

3 MR. REIDELER: That's when it was filed.

4 MR. COLBY: With the Judge?

5 MR. REIDELER: With -- yes.

6 BY MR. REIDELER:

7 Q So you don't recall if you discussed these matters
8 after giving testimony?

9 A No, because -- I don't. I really don't.

10 Q You don't recall if you saw this document after
11 giving testimony?

12 A I might have seen it. I believe it's one of the
13 documents I have in my file at home.

14 MR. COLBY: Well, I don't want to get into
15 testifying. But I will state as an officer of the Court
16 that I did not send a copy of this to Mr. Schoenbohm before
17 it was filed to the Court. I never send copies of proposed
18 findings to any client before they're filed with the Court
19 because I've prepared them on the basis of the record before
20 me which cannot be changed.

21 BY MR. REIDELER:

22 Q Well, you have read this document?

23 A Yes, I -- oh, I have read the summary, yes.

24 Q Is the summary a true and correct rendition of the
25 document?

1 A The issue of possession of certain telephone
2 numbers, as you raised before, could have been written
3 differently. It could have been use or possession.

4 Q You would have had it as use or possession, is
5 that correct?

6 A That would have made -- that would have been
7 concurrent with the statute or a closer reflection of the
8 entire statute.

9 Q Now, I direct your attention to Paragraph 1 on
10 page 3.

11 MR. COLBY: Your Honor, I object to this entire
12 line of examination. You cannot question a witness about a
13 document prepared by his legal counsel which, I must admit,
14 may very well contain mistakes unless he is shown to have
15 had something to do with the preparation of the document.

16 Unless the cross examiner can show that the
17 Witness somehow participated in the preparation of this
18 document, it is totally irrelevant what errors there may be
19 in this document or what mistakes there may be in this
20 document unless you can show that the Witness was
21 responsible for them. I have never known of a cross
22 examination of a witness on a document that the witness did
23 not prepare or did not at least read before it was filed.

24 JUDGE LUTON: I don't agree with that. I think
25 you can put any kind of document before a witness and ask

1 him questions about it. It's not the document that
2 constitutes the evidence. It's the Witness' responses to
3 the questions that are put to him. And if the Witness
4 doesn't know the answer or if he disagrees with something
5 written on the paper, he's free to say so. If he agrees
6 with it, he's free to say so. That's the Witness' testimony
7 that's being introduced as evidence, not the document. I
8 don't see --

9 MR. COLBY: I would agree with that.

10 JUDGE LUTON: -- anything at all wrong with
11 putting a document in front of a witness and asking him
12 questions about it.

13 MR. COLBY: I -- I --

14 JUDGE LUTON: That mere procedure is not improper.

15 MR. COLBY: I agree with that.

16 JUDGE LUTON: But --

17 MR. COLBY: But the question has to be whether --
18 not as if the Witness was responsible for the document, but
19 whether the document is correct.

20 JUDGE LUTON: Well, what was the question?

21 MR. REIDELER: The question was whether I read the
22 document properly, not whether the document is correct. It
23 was my rendition -- my oral rendition --

24 JUDGE LUTON: We'll see where we get --

25 MR. REIDELER: -- corresponding with the written --

1 -

2 JUDGE LUTON: -- before I get myself too confused.

3 If the single question on the floor is whether or not your
4 reading of the document is one that the Witness agrees with,
5 if that is the question -- you're telling me now that that
6 is the question that's presently pending --

7 MR. REIDELER: It's a preliminary question, Your
8 Honor.

9 JUDGE LUTON: Well, whatever. It's the one to
10 which we need a response.

11 MR. REIDELER: Yes.

12 JUDGE LUTON: Please respond. There's nothing
13 wrong with that. Not objectionable at all.

14 THE WITNESS: Would you repeat the question, Mr.
15 Reideler?

16 BY MR. REIDELER:

17 Q The summary reads, Mr. Schoenbohm, "Mr. Schoenbohm
18 was convicted of a felony, i.e. possession of certain
19 telephone numbers which could be used to make long distance
20 calls without paying for them." My question was have I
21 correctly read this portion of the document?

22 A You have correctly read the summary -- that
23 portion of the summary.

24 Q Now, do you agree with that summary, Mr.
25 Schoenbohm?

1 A As I answered before, I think it could have been
2 made more accurate in reflection of the statute by using use
3 or possession.

4 Q So you're answer is, no, you do not agree?

5 JUDGE LUTON: Well, he's answered sufficiently.

6 BY MR. REIDELER:

7 Q Thank you. If you would direct your attention to
8 Paragraph 1 on page 3. You've found that?

9 A Yes.

10 Q At the beginning were the words, "In the year
11 1992". You've found that?

12 A Yes.

13 Q It continues, "However, Schoenbohm was convicted
14 of possessing a counterfeit telephone access device, i.e. he
15 was convicted of having knowledge of certain telephone
16 numbers that could be" -- "that could be used to make long
17 distance calls without paying for them." Now, have I read
18 that portion of the document correctly?

19 A Yes, you have.

20 Q Now, do you agree with that? Do you agree with
21 that statement?

22 A As -- as it is placed here, yes, in this context.

23 Q Not with as it is placed there. Is this a -- a --
24 a true rendition of the facts as you know them?

25 A Well, again, I stated before, he was convicted

1 of -- of having knowledge of certain numbers that could be
2 used to make long distance calls without paying for them.
3 And it makes reference to transcript and exhibit.

4 Q But that sentence, is that correct?

5 A If -- it would be more accurate to say, "to having
6 use or knowledge of certain telephone numbers."

7 Q Also on --

8 MR. COLBY: Your Honor, I would point out that the
9 last sentence in Paragraph 1 does in fact use that language
10 or the penultimate sentence in the paragraph.

11 MR. REIDELER: I think we'll get to that given the
12 opportunity, Your Honor.

13 BY MR. REIDELER:

14 Q Mr. Schoenbohm, I -- also in Paragraph 1, it
15 states, "He was convicted of having knowledge in his mind of
16 certain telephone codes that could be used to make long
17 distance calls." Have I read that correctly?

18 A You've read it correctly.

19 Q And is that a true statement?

20 A I don't believe I was convicted of knowledge, per
21 se. I was convicted of use of telephone numbers that were
22 lodged in my mind making long distance phone calls.

23 Q And finally, I --

24 JUDGE LUTON: You've danced around on that
25 particular point for quite some time now. Going all the way

1 back to the hearing before, I don't really see why it needs
2 to be controversial any more, quite frankly. Possession or
3 use, it's clear to me. Go ahead.

4 BY MR. REIDELER:

5 Q Finally, Mr. Schoenbohm, the paragraph states, "He
6 was convicted of having knowledge in his mind of certain
7 telephone codes that could be used to make long distance
8 calls." Is that a correct rendition of the document?

9 A That's -- you read it correctly.

10 Q And is that a true statement?

11 A Again, going back once again, having knowledge in
12 his mind of certain telephone numbers, as applied to the
13 previous sentence in the descriptive form that it was not
14 stealing money or accessing an account of any particular
15 subscriber. And in description of what was a counterfeit
16 access device that I was convicted of possessing or using,
17 when it's placed together with the penultimate sentence
18 there, it makes sense. Standing alone, I can understand why
19 you would have difficulty with it.

20 Q Well, the long and the short of it, Mr.
21 Schoenbohm, is that you were convicted for illegally
22 obtaining code numbers and using them for fraud calls, isn't
23 that correct?

24 A That's correct.

25 Q Why did you feel it was necessary to make it clear

1 that you were not convicted of possessing any physical
2 device?

3 A The statute, 1029(a)(1), which is a counterfeit
4 access statute, goes into great description in the
5 definition section of what these various devices are. And
6 they are a serious crime of which up to ten years
7 imprisonment can be attached, especially in the area of
8 counterfeiting and producing cars, producing plastic,
9 producing devices apart from the conduct for which I was
10 convicted. I produced nothing and I manufactured nothing.
11 And I think that was quite clear from what this description
12 was trying to -- trying to get to.

13 Q Well, the term, access device, is not restricted
14 to physical instrument, is it?

15 A Apparently not.

16 Q Why is there some confusion? You're pretty
17 confused.

18 MR. COLBY: I object because there is no predicate
19 to the question. The Witness has not indicated that there
20 is any confusion.

21 BY MR. REIDELER:

22 Q You -- Mr. Schoenbohm, you said that apparently
23 not, that the access device is apparently not restricted to
24 physical instruments. Why do you say that?

25 A Of -- of cases that I've read where access devices

1 can be numbers.

2 Q Yes?

3 MR. COLBY: He's answered the question, Your
4 Honor. It was asked why he thought that the counterfeit
5 access device could be something other than a mechanical
6 device and he said that he had read cases to that effect. I
7 think he's been asked question and has answered it.

8 JUDGE LUTON: Yes, he answered the question I
9 think.

10 MR. REIDELER: Okay, fine.

11 BY MR. REIDELER:

12 Q Then in other words, an access device includes
13 codes, account numbers or any means of actual access, isn't
14 that correct?

15 A I believe so.

16 Q And it doesn't matter if you have these numbers in
17 your mind, on a slip of paper or preserved in any other
18 form, does it?

19 A I believe it is a much more serious offense to
20 manufacture in trafficking codes from the cases that I've
21 read.

22 Q But that's not the question. The question was how
23 these numbers are preserved, whether they're preserved in
24 one's mind, on a slip of paper or in some other --

25 A It doesn't make any difference. It's related to

1 the -- to the punishment for the offense or -- I don't
2 understand your question.

3 Q My question is an access device does not have to
4 be written down. It could be a code number -- a code number
5 doesn't have to be written down.

6 A I believe that's correct.

7 Q And it doesn't have to be in your mind.

8 A I believe that's correct.

9 Q And it doesn't make any difference if it's written
10 on a piece of paper or carried around in your mind, does it?

11 A Well, I -- I don't know as far as the law's
12 concerned.

13 Q Well, what would your opinion be?

14 A My opinion as I stated before pertaining to that -
15 - to the statute, the limited knowledge I have of it, is
16 that if you -- if one actually traffics and produces and
17 manufactures, that that is really the -- the hub of the
18 reason for that particular statute. And it makes
19 counterfeiting a far more serious offense than the actual
20 use of an unauthorized access device because it provides for
21 only one such device fulfilling the needs of a requirement
22 for a conviction.

23 Q Well, let's get back to the -- the crime. You say
24 you were convicted of possessing or using an access device.
25 Isn't that correct?

1 A That's correct.

2 Q And do you believe that the crime of possessing an
3 illegal device is more serious than the crime of using the
4 device?

5 A I really don't know.

6 JUDGE LUTON: I'm going to -- let me interrupt,
7 Mr. Reideler, for a minute here.

8 MR. REIDELER: Certainly.

9 JUDGE LUTON: There's just no sense in us going
10 off on a mistaken notion of what -- an ambiguous notion
11 about what Mr. Schoenbohm's conviction was for. Looking at
12 this memorandum, Opinion of the Court, and that is Court of
13 Appeals, 3rd Circuit, Number 93-7516. This is USA against
14 Schoenbohm. As I see this decision, the Court affirmed the
15 District Court's -- Mr. Schoenbohm's conviction in the
16 District Court for use of a counterfeit access device,
17 period.

18 It didn't say anything about possession. Use of a
19 counterfeit access device under 18 USC 1029 (a)(1). Use of
20 a counterfeit access device, those are the words the Court
21 uses. Mr. Schoenbohm, in light of that, do you still
22 maintain that you were convicting of possessing or using?

23 THE WITNESS: No. I agree with the Court.

24 JUDGE LUTON: Well, you just -- you just a moment
25 ago said your conviction was possessing or using. And then

1 we're about to get off into a big exploration of possessing
2 when it doesn't really seem to be a part of the case.
3 That's my point. Go ahead.

4 BY MR. REIDELER:

5 Q Mr. Schoenbohm, by continually characterizing your
6 felony as possessing an access device rather than using, are
7 you trying to portray a softer, more benign image of the
8 facts underlying the felony conviction?

9 A No, absolutely not.

10 Q You're not distorting the facts?

11 A Which facts are those?

12 Q About your conviction?

13 A Well, I explained what the conviction was for.
14 And the language that was used here was in a different
15 context.

16 Q Well, the confusion I have is the apparent
17 emphasis on possession and almost no mention of use when you
18 characterize your -- your conviction. Could you explain why
19 the emphasis on possession and almost no use -- no mention
20 of use?

21 A I think use is mentioned sufficiently in this to
22 leave it certainly clear that that's what the conviction was
23 all about.

24 JUDGE LUTON: Why was possession mentioned at all
25 by you?

1 THE WITNESS: It was mentioned to -- to set apart
2 from the actual manufacture and trafficking portions of the
3 statute and the supposed relation to electronic means of
4 producing of something or trafficking of something which I
5 think is what the statute really -- really speaks to.

6 JUDGE LUTON: I mean -- I don't think I follow
7 that answer at all.

8 THE WITNESS: The description --

9 JUDGE LUTON: And if I do, it doesn't make sense
10 to me.

11 THE WITNESS: All right. The description in here
12 was to set it apart from the convicted of actually stealing
13 money or accessing the account of any telephone subscriber.
14 And he did not steal any money or cause the account of any
15 subscriber to be debited. It was a description of -- you
16 say softer, more benign. I don't believe it's -- a
17 conviction is a conviction. It's serious enough standing by
18 itself.

19 BY MR. REIDELER:

20 Q We're talking about the image of the facts
21 underlying the conviction, Mr. Schoenbohm.

22 A Which -- which facts are those?

23 Q Having numbers in your mind.

24 MR. COLBY: Your Honor, may I point out something?

25 JUDGE LUTON: Please.

1 MR. COLBY: He could not have been convicted of
2 using unauthorized telephone numbers unless he possessed the
3 numbers.

4 JUDGE LUTON: Yes. But if -- there's all the
5 difference in the world if the statute makes use criminal
6 and leaves possession alone.

7 MR. COLBY: Well, I don't think the statute does
8 leave possession alone. It talks about production and
9 trafficking of these devices. So clearly, if one were to
10 manufacture a false or fraudulent AT&T card, it would be
11 within the purview of that statute. It just didn't happen
12 that the particular felon did manufacture a false AT&T card
13 or a blue box.

14 THE WITNESS: I could explain something here,
15 Mr. -- Judge Luton, that possession was one of the counts
16 for which I was convicted.

17 JUDGE LUTON: Initially.

18 THE WITNESS: Initially.

19 JUDGE LUTON: It was tossed out.

20 THE WITNESS: That was tossed out. So possession
21 was part of 1029. Possession was one of the counts for
22 which I was charged and convicted and found guilty by the
23 jury.

24 JUDGE LUTON: But by the time you came here, you
25 were no longer concerned with the counts that had been

1 tossed out.

2 THE WITNESS: That's correct.

3 JUDGE LUTON: So I'm -- I'm still really at a loss
4 to understand why you chose to put this emphasis on
5 possession in an effort to make some sort of distinction
6 between the really bad stuff under the statute and something
7 that's not quite so bad under the statute, at least in your
8 view, when -- and you thought that the device that you would
9 use to make that distinction would be the word, possession,
10 when the Court has made just about as explicitly clear as
11 one could ever hope for that your conviction was for use --

12 THE WITNESS: I don't disagree with that. I think
13 --

14 JUDGE LUTON: -- of a device.

15 THE WITNESS: I think it was just --

16 JUDGE LUTON: Why you chose -- you know, it almost
17 seems that this possession is almost -- this emphasis on
18 possession is exactly what I characterized it as being in my
19 first decision. It -- it seemed then, and I must say, it
20 continues to seem now like an effort to put a prettier face,
21 if you will, on your conviction. Now, if that's not the
22 case, you've got to tell us something that's persuasive,
23 that's convincing.

24 THE WITNESS: Well, what I can --

25 JUDGE LUTON: I'm not hearing it yet.

1 THE WITNESS: What I can tell you is that it was
2 not -- it was only used in an explanation of what the device
3 was. And it certainly -- I can understand your concern.
4 But I think I made it sufficiently clear throughout the
5 testimony and the submissions that I was convicted for use
6 of a counterfeit access device. But what was that
7 counterfeit access device, there's a lot of speculation of
8 what it was. And I think that was my attempt to explain
9 that these were numbers in my mind that were used.

10 JUDGE LUTON: Right. And what's possession got to
11 do with it? This just muddies the water.

12 THE WITNESS: That's true.

13 JUDGE LUTON: Possession, possession, possession.
14 I've heard a lot of possession from Mr. Schoenbohm. And I
15 still don't see where it fits anywhere in this case.

16 THE WITNESS: Well, I agree with that.

17 JUDGE LUTON: Then let's not talk about it
18 anymore.

19 MR. REIDELER: One --

20 JUDGE LUTON: Do we need to?

21 MR. REIDELER: Just one question, Your Honor. I
22 was just --

23 JUDGE LUTON: Go ahead.

24 MR. REIDELER: -- something that's not clear to me
25 is that Mr. Schoenbohm when he characterizes the crime

1 continually says possession or use.

2 BY MR. REIDELER:

3 Q I'm curious why the conjunction, or, was used
4 rather than the conjunction, and, if possession is in fact
5 included in the use.

6 A The choice of the words, and or or?

7 Q Why did you use the word, or, rather than, and?

8 A Well, maybe and would have been a better word to
9 use.

10 Q Doesn't or connote two separate items?

11 A A disjunctive?

12 Q Yes.

13 A I don't believe that was my intent. But --

14 Q I think that's all the questions I have in this
15 particular area. Excuse me. Let me back up a bit. I would
16 like to ask something else. I'm sorry. Now, your direct
17 written testimony that you presented today, you gave your
18 rendition of what happened, the facts under which you were
19 convicted, isn't that correct?

20 A Yes.

21 Q And I believe you stated that you -- you
22 telephoned carrier calls to express your desire to become a
23 customer, is that correct?

24 A That's correct.

25 Q And a representative from calls said -- told you

1 it's a done deal and gave you some access codes. Is that --

2 A I don't think he used that language.

3 Q Well, what was the language then?

4 A 1987, I can't recall exactly what they said.

5 Q Well, did the representative say you are now a
6 customer when you called them?

7 A They signed me up.

8 Q And they gave you some access codes?

9 A They gave me access codes. They gave me a
10 contract.

11 Q Well, I believe they gave you one access code at
12 that time, is that correct?

13 A That's correct.

14 Q And you liked the service so much that you asked
15 for to be given additional access codes, is that correct?

16 A They said those were available and -- in order to
17 compartmentalize how you use the system.

18 Q But your testimony was that you were happy with
19 the -- with the service?

20 A I didn't really say I was happy with the service.
21 I don't believe I made that statement.

22 Q But you asked for additional codes?

23 A That's correct.

24 Q One was for your wife and one was for your son?

25 A I was trying to use it for a home base business to

1 separate the calls that were used for that home base
2 business as apart from my wife and my son and myself.

3 Q But you were never billed from the call service
4 for the calls --

5 A I never received a bill, no.

6 Q And you heard that you were being accused of --
7 then you heard that you were being accused of defrauding the
8 company, is that correct?

9 A Yes.

10 Q And when you heard this, you stopped using the
11 system.

12 A Immediately.

13 Q And these are the views -- these are your facts
14 that you presented at your felony trial, is that correct?

15 A Yes, that's correct.

16 Q Now, the U.S. attorney had a different version,
17 isn't that correct?

18 A I'm certain he did.

19 Q And didn't the U.S. attorney argue that you
20 obtained an access code while a house guest, a Ms. Kaiser,
21 didn't she allow you to use an access code?

22 A No, that wasn't his -- his proffer. That was my
23 proffer that -- that's where I first learned about the
24 system.

25 Q Well, the district attorney argued that you

1 defrauded calls by making unauthorized phone calls, is that
2 correct?

3 A That's correct.

4 Q And whose version of the facts did the jury
5 believe?

6 A They believed the prosecutor.

7 Q And the Court of Appeals affirmed your conviction
8 because, in the Court's words, "The evidence overwhelming
9 supported it." Isn't that correct?

10 A As pertaining to Count 1 alone.

11 Q Yes. Now I'll go into another area. You began
12 working for the Virgin Islands in 1979, is that correct?

13 A Yes.

14 Q And you were working until 1985?

15 A Excuse me?

16 Q You worked there until 1985?

17 A No, I worked there until 1992.

18 Q You didn't take a leave of absence?

19 A I did.

20 Q And when was that?

21 A 1985.

22 Q And you returned how -- how long? How long was
23 your leave of absence?

24 A Just under a year.

25 Q And then you were fired from the Virgin Islands

1 Government in 1992?

2 A Correct.

3 Q So you had approximately 12 years of service with
4 the Virgin Islands Government when you were fired in 1992,
5 is that correct?

6 A Yes.

7 Q And what was your approximate annual salary when
8 you were fired?

9 A I believe it was \$35,000.00 per annum.

10 Q In a prior hearing, you claimed that you had lost
11 your pension rights, is that correct?

12 A I was no longer in the pension system, correct.

13 Q You lost your pension rights, isn't that correct?
14 That's what you're claiming?

15 A Yes.

16 Q Thank you. Now, on cross when I asked if you had
17 forfeited your pension when you were fired, you said you
18 don't know. Is that a correct -- was that a truthful
19 answer?

20 A I forfeited my rights to be in the pension system.
21 And any annuity I would have received out of it I lost.

22 Q In other words, you lost your pension you thought?

23 A Yes.

24 Q And you are working for the Government of the
25 Virgin Islands again, is that correct?

1 A Yes, I am.

2 Q And when were you rehired?

3 A 1994 -- April 1994.

4 Q And what's your salary now?

5 A \$42,500.00.

6 Q So now you're making more money now than you were
7 when you were fired?

8 A Yes, I am.

9 Q And on your direct testimony, now you claim that
10 you did lose the rights, but they've been restored. Is that
11 correct?

12 A I am -- yes, I am back in the pension system now.

13 Q And when you were rehired, did you assume that the
14 pension was restored at that time?

15 A I was -- I knew that I was making contributions
16 back into the pension system, yes.

17 Q So you thought your -- your pension had been
18 restored in other words?

19 A Correct.

20 Q This was when you were rehired?

21 A Correct.

22 Q You were working for the Virgin Islands Government
23 when you submitted your written direct testimony that was
24 offered into evidence, is that correct?

25 A I don't believe so. I believe that was submitted